

Town of Nolensville
Board of Mayor and Aldermen Meeting
Date: February 7, 2008, Time 7:00 p.m.
Nolensville Elementary School

Mayor Beth Lothers opened the meeting at 7:04 p.m. Members present were Mayor Lothers, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Ken Thomas. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Engineer Don Swartz, and Recorder Cindy Lancaster. There were 27 citizens present.

Pastor Dennis King Stonebrook Baptist Church delivered the prayer, and led the Pledge.

Citizens Input:

Mr. Frank Wilson, 7345 Nolensville Road, had signed up to speak although noted that he would pass on addressing the board.

Mr. John David Goolsby, 8094 Canonberry Drive, read a letter, noting that he had met with Mr. Henry Laird and Mr. Matt Happel today in regards to the construction of Home Depot. He said that he worked for a large developer and is very familiar with the process. The letter stated that he loves Nolensville. He further added that he felt no notice was given to the residents of this facility being built which he felt was uncommon. He stated that Nolensville had broken some of its rules, in his opinion, and referred to the Code of Ethics Ordinance #06-18. He added that he realized there would be a small tree buffer. He requested that the town have an outside meeting with the residents to discuss this further.

Mayor Lothers said that she would like to note that the current zoning of this property has been in place for more than two years. Counsel Notestine added that he felt there is some confusion due to the Davidson County line within Burkitt Place.

Mr. Goolsby added that he has found three or four items that had not been met within the ordinances adopted by the town. He stated that he had mentioned this to Mr. Happel and Mr. Laird.

Mr. Vance Wilson, 8040 Canonbury Drive, stated that he attended the last meeting and he did not plan to speak tonight. He stated that he feels the residents are trying to lift a voice in Burkitt Place. He noted there are several residents here tonight to address some concerns with some of those being the lighting and buffering.

Mrs. Susannah Wilson, 8040 Canonbury Drive, stated she was in attendance at the last meeting and received less than 24 hours notice of this meeting. She stated that she felt they had an obligation to their neighbors to inform them of the construction of Home Depot. She stated that they distributed flyers to approximately 120 homes. She stated that the neighbors were shocked and dismayed that they were not notified. She added that she had moved from a very nice neighborhood and was shocked that a Home Depot would be built at this location. She said she would have to go down the road to see the stars.

Mayor Lothers stated that she may be referring to the Towns guidelines for dark sky compliant (full-cut off) which includes this project site. She noted that these guidelines are dark sky compliant (full-cut off). Planner Laird said that in 2005 ten property owners had requested that this property be rezoned. No one objected to the re-zoning.

Alderman Dugger made a motion to approval the regular meeting minutes of January 3, 2008, Alderman Alexander seconded.

Alderman Curtsinger stated that on page six of the minutes; in the third paragraph it refers to a statement that was made that the Board had ten minutes to review the document. He stated that after reviewing the tapes, the board had not received these documents prior to that evening. He asked confirmation of this statement from Alderman Alexander. Alderman Alexander nodded that he had not seen them ahead. Mayor Lothers stated that she had an email the board stating that due to the size of the bid documents they were available at Town Hall for review prior to the meeting. Alderman Thomas stated that he felt that point was mute due to the minutes reflecting the meeting dialogue. Alderman Curtsinger stated that he felt it was important that those documents were not made available. Mayor Lothers noted that the engineering proposals which concerned Florence and Hutcheson work were presented in January in advance and held up a copy, while the bid packets he was addressing involving construction companies took place in the summer.

Counsel Notestine stated that he understood what Alderman Curtsinger was saying, although the minutes reflect what was stated at that meeting and the board cannot interject in those minutes the intentions, although what was stated.

Alderman Curtsinger noted that his comment was referring to the actual bid package. At that meeting the three proposals were presented to the board. He added that these proposals were from the construction contractors Mountain States, Civil and another one. Mayor Lothers stated that for the record she will have the minutes reflect this conversation.

The vote was taken and the minutes were approved unanimously.

Mayor Lothers made a motion to approve the treasurer's report for December, Alderman Thomas seconded the motion..

Alderman Curtsinger inquired to where the amount of the settlement for Officer Holt was reflected within the report. Mayor Lothers clarified the settlement vote was three in favor, one opposed with the Mayor having to recuse herself. Her understanding was that there was not a special place for that inside the budget. Recorder Lancaster stated that it was in the Police Department Miscellaneous line item. Alderman Curtsinger asked if it could be placed into a court settlement line item. Alderman Dugger, in addition to Budget Committee Chairman, said this question can be referred to Auditor Mr. John Poole.

The vote was taken and this report was approved unanimously.

COMMITTEE REPORTS:

Chairman Rick Owens reported for the Planning Commission.

- Home Depot was approved with several conditions

Historic Commission Member Bob Crigger reported for the Historic Commission.

- Noted there was no meeting/report

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- \$6,250 Community Enhancement Grant money was received
- Received \$10,000 grant for remote hydraulic on truck and smoke trailer
- Noted he would not be in attendance at the next Board meeting due to hosting a First Responder Certification Class
- Calls are up 57% for one month

Planner Henry Laird noted there was no report for the Planning Department.

Engineer Don Swartz noted he would report for the Engineering Department during the Mayors Report portion of the meeting

Police Chief Paul Rigsby reported for the Police Department.

- Written statistics were distributed to Board
- Noted that Fairview had been hit hard with a recent tornado
- A Nolensville Officer assisted this Williamson County municipality during their crisis
- Advised the Board that the tornado siren was sounded and this is controlled by the 911 office in Franklin
- The radar trailer has been received and currently working out some issues with this device.

Mr. Bob Hayes reported for the Public Works Department.

January has been slow month

One exciting – new vehicle was 2000 GMC truck was purchased – can keep tools

- January has been a slow month
- Advised the Board a 2000 GMC Truck was purchased for this Department. He thanked the Board noting that the vehicle has a tool box built into the bed and is very conducive to their Department.
- During the recent tornado the Department was able to clean up areas and cut trees down with all the equipment conveniently being on the vehicle.

Alderman Ken Thomas reported for the Events Committee

- Work has begun on the 4th of July event
- Sponsorships are being sought
- Volunteers are needed for this event

- A new event is being planned, The Nolensville Prom will be held in May at the Recreation Center with admission being \$10

Mayor's Report:

a. Appointments

Mayor Lothers stated that she had distributed Bio's on the individuals who have shown interest in being on the Storm Water Appeals Board. She noted that the Board previously approved Mr. Douglas Radley and Mr. Larry Gardner. She noted that the following Biographies were submitted to the Board:

Mr. Andrew Grosson	Mr. Randall Kerr
Mr. Phillip Nelson	Mr. Chase Smith
Ms. Kim McClintoch	

Mayor Lothers moved for approval for these individuals to serve on the Storm Water Appeals Board, Alderman Dugger seconded. These members were approved unanimously.

b. Emissions Testing

Mayor Lothers noted that emissions testing was willing to provide Nolensville with a mobile unit however she noted that the town would need to provide a bathroom, phone line, and electricity for this station. She added that she did not see where the town had a facility to provide this service, but wanted to get some feedback from the Board.

Alderman Dugger asked if they went anywhere else in the county. Mayor Lothers stated that County Mayor Rogers Anderson has asked for other places within the county to provide this service for the citizens in the county. She added that Nolensville is fortunate due to the emission locations near the town. She referred to Nashville, and Smyrna besides Franklin. Alderman Dugger asked if there were any other cost. Mayor Lothers stated there were none other than providing a bathroom, phone line and the electricity. Alderman Curtsinger asked due to this being privately owned, has this company offered anything to the town. Mayor Lothers stated that she was only told that they would only provide this service if we came up with a site. She added that currently she did not know where this mobile testing could be placed with the amenities that they had requested.

Mr. Rick Owens, from the audience, asked if it would be a temporary site that would come once a month. He added if that was the case, could the Recreation Center be considered as a possible location. Mayor Lothers asked if there were phone lines at this location. Alderman Dugger noted that there use to be a phone in the Center. Mayor Lothers noted that this is a county facility and they would have to grant approval.

Alderman Curtsinger stated that he felt there were a lot of other considerations that must be reviewed. He inquired to the number of cars that would be tested and the possible congestion on Nolensville Road.

Mr. Frank Wilson, from the audience stated that Williamson and Davidson counties provide the permanent facilities. Mayor Lothers stated that was correct. She thanked the board for their input.

c. Old Nolensville Elementary School Property

Mayor Lothers noted that she had received a letter from County Mayor Rogers Anderson. The letter stated that due to Williamson County Schools needing more space they plan to be in the building another 12 months. She noted that the county will not officially receive the property from WCS until 2009. She noted that the question has been whether the Town wants to enter into an agreement with Williamson County Schools until the county has taken over the facility. She said that a representative with Williamson County Schools has said they are looking at taking inventory to see how much space they will actually need. She noted that it is her understanding that Williamson County Parks and Recreation cannot take over the property until Williamson County Schools vacates the building. She noted that the transfer is being planned for the first quarter of 2009. She advised the board that she will keep that discussion going if the board is in agreement.

d. Other

Mr. Don Swartz, Town Engineer noted that he had met with Florence and Hutcheson in regards to two entrances on Rocky Fork Road into the park. He noted that in the realignment process the decision was made for only one access. He stated that there has been some concern with only one entrance into this facility. There was a power point presentation showing the different entrances. Mr. Swartz noted that the concern is a small exposure. He explained that the conflict will occur when people waiting to go left or right, there could be a small potential of an accident.

Mr. Swartz showed the Board an alternative (showed on the power point) noting that this would increase the separation of vehicles and increase the storage capacity. He noted that an additional lane will allow full access further east into the ball field. Mr. Swartz stated that this has a higher construction cost. He noted that it would double the cost to approximately \$70,000. Mr. Swartz added that he would recommend the Board accept this alternative.

Mayor Lothers noted that the original plans would have only one entrance/exit into the park. Mayor Lothers noted that it is important to know that another entrance or exit was provided in a proposal to Williamson County had been previously presented. Mr. Swartz went over the options that were presented to the county noting that it involved purchasing property that was not available for the appraised value.

Alderman Dugger noted that he was in agreement with the second option Mr. Swartz had presented to the Board. Alderman Thomas asked Mr. Swartz if he felt comfortable about the construction estimates and inquired if he felt those numbers may change after the initiation of the project. Mr. Swartz read an email in regards to cost from Florence and Hutcheson. He noted that a paving estimate was used and the process would include a change order with the contractor Mountain States. Mr. Swartz added that the town would not have the "set-up" cost involved in a new project. Alderman Alexander noted that it appears the town will have to purchase additional right of way. He asked if the property owner had been approached. Mr. Swartz stated that staff felt this Board should initially approve this project move forward prior to discussion with the property owner. He added that it would consist of purchasing a little more than 8,000 square feet. Mayor Lothers noted that although the board cannot make

a decision on price tonight, the board can approve to move forward to discuss this with the property owner.

Alderman Thomas agreed with Alderman Dugger that the second option looks the best. Alderman Alexander stated that he felt the next step would be to approach the property owner. Alderman Curtsinger inquired to the distance in regards to vehicles. Mr. Swartz stated that about 120 feet will hold about 5 cars. Alderman Curtsinger asked if Don had timed this out with the school time traffic. He asked if they would be taking a left at the Methodist Church. He inquired if a traffic count or study had been performed. Mayor Lothers noted that there is a traffic study from done by TDOT for the Rocky Fork Nolensville intersection which is part of the basis of our signal warrant. She added that the second alternative allows Silver Stream and other traffic to have access both directions during special events. Mayor Lothers asked the Town Engineer if this became a problem was there something that could be done. Mr. Swartz stated that traffic calming issues could be implemented.

Alderman Alexander inquired to the impact on the right of way. He noted that there was a small building. Mr. Swartz stated that it is outside of the right of way. Mayor Lothers asked the Town Engineer to show the utility locations. Mr. Swartz noted with this alternative there is a water line that runs south and the gas is on the east side of road. Additionally, he showed where the electric poles were located. He noted that with either alternative utility relocation are not anticipated.

Alderman Curtsinger asked if there had been any recent traffic studies at this location. Mr. Swartz stated that a recent study had not been performed and there was no way to study something that did not exist yet. Alderman Dugger noted that he felt this would only enhance it by allowing a right and left turn on Newsome Lane. Alderman Curtsinger stated that he wanted to make sure the town did not design an intersection just off the cuff. He stated that by the time this project is over it will be over a two-million dollar project.

Mayor Lothers noted that TDOT performed a count with the school there. Mr. Swartz noted that in order to get an accurate number a computer modeling study would have to be performed. Alderman Curtsinger asked about a turn lane into the school from the east side. He asked where the flow into the school is in the morning. Mayor Lothers explained how the traffic flows into the school off of Newsome Lane and Rocky Fork Road during school opening and closing times. Alderman Curtsinger stated that isn't now the time to discuss a left turn lane into the school. Mr. Swartz stated that they are both unrelated. Mayor Lothers noted that Williamson County School is focused on so much stowage on the property. Alderman Curtsinger noted that Sunset Road backs up due to the Schools on this road. He noted that some mornings it is backed up $\frac{1}{4}$ to $\frac{1}{2}$ mile. Mayor Lothers noted that Williamson County does have plans to build a turn lane. She added this is on their radar. Alderman Curtsinger stated that he felt it should be reviewed because it will have an impact. Mayor Lothers thanked the Town Engineer for the presentation.

Mayor Lothers noted that the Historic Nolensville Development Association has formed and have elected officers. She noted that the first step to get sewer to this area is to get a survey of the Historic District. She stated that septic systems are failing in many of the properties within that area. Mayor Lothers noted that she felt there is a real necessity to get involved in

order for this area to not become dormant. She added that she had made a decision to have the Town of Nolensville provide a survey of this area for approximately \$9,000. She noted that within her guidelines as Mayor any other involvement over \$10,000 would be brought before the board.

Public hearing on ordinance 08-01 an ordinance to amend the zoning ordinance 04-09, in regards to permitted uses in the office industrial (OI) district as it pertains to religious institutions and animal boarding facilities opened at 8:16. With no comment the hearing closed at 8:16.

Public hearing on ordinance 08-02, an ordinance to amend the zoning ordinance 04-09, in regards to lighting standards and wall sign limitations opened at 8:17. With no comment the hearing closed at 8:17.

Second reading of ordinance 07-23, an ordinance to amend Title 11, Chapter 5, of the Municipal Code in regards to Firearms. Mayor Lothers thanked the members that participated in the workshop that was recently held in regards to this ordinance.

Counsel Notestine noted that he had drafted this ordinance from the comments made during the workshop. He noted that one of the comments was to define “weapons”. He noted another significant change was an attempt to address and define the areas where discharging would be prohibited, Counsel Notestine read this portion of the ordinance. He noted that the ordinance creates several exceptions.

Alderman Alexander noted that setting boundaries seem to make sense for Nolensville. Mayor Lothers noted that she had received a phone call from TWRA and they were complimentary on the work that Nolensville has done on this ordinance.

Mayor Lothers made a motion to approve this ordinance as amended by Counsel Notestine, Alderman Alexander seconded.

Alderman Curtsinger asked where the boundary would stop. Alderman Alexander asked if it would be to the town limits. Alderman Curtsinger confirmed this would include all the new areas that were recently annexed. Alderman Curtsinger asked how this would be enforced. Counsel Notestine noted that this is a document that was composed with an attempt to have enforceability. This is why the boundaries were put into the ordinance. Alderman Curtsinger asked how will this ordinance change the enforceability. He gave an example if a neighbor wanted to file a complaint now, the Chief must witness the incident. How will this ordinance change that?

Counsel Notestine stated that if the Police Chief believes there was a violation it would go to court. Alderman Curtsinger stated that currently the town has that. Counsel Notestine stated that the Town has the noise ordinance and the noise is usually gone by the time the police get to the scene. Mayor Lothers noted this can be complaint based. Chief Rigsby stated that the Town can prosecute if the neighbor wishes to prosecute, which requires them to come to court and testify. Alderman Curtsinger asked how that is different than the current noise ordinance. Mayor Lothers stated that now there will be something on the books and in place for the Police. Alderman Curtsinger asked is this going to give the Police Chief the right to go onto some ones property. Counsel Notestine stated that the Town cannot regulate an individual’s right to bare

arms. Mayor Lothers said that the Town can educate and inform the public of the change. Alderman Curtsinger asked what the difference is. He asked Chief Rigsby what he was going to do. Chief Rigsby noted that this is a discharge ordinance. Alderman Curtsinger asked what has changed from before. Mayor Lothers read a portion of the ordinance that would allow the Police more ability to cite and individual breaking the law. Alderman Dugger made a motion to amend section 4.1 from 5 to 3 acres. The motion died for a lack of second.

Alderman Curtsinger made a motion to amend section 4.1 to change 5 acres to 2 acres, Alderman Dugger seconded. Alderman Thomas noted that his major concern were for the properties north of Nolensville road. Alderman Alexander noted that he feels two acres is too small. Mayor Lothers reiterated this ordinance will be complaint based. The vote was taken on the amendment with Alderman Dugger and Curtsinger for, Mayor Lothers, Aldermen Alexander, and Thomas against. The vote was then taken on the ordinance as Counsel submitted. Mayor Lothers, Aldermen Alexander, Dugger, and Thomas for and Alderman Curtsinger opposed.

Second reading of ordinance 08-02, an ordinance to amend the zoning ordinance 04-09, in regards to lighting standards and wall sign limitations. Alderman Dugger made a motion to approve this ordinance, Alderman Thomas seconded. There was no discussion and the vote was taken and this passed unanimously.

Reading of resolution #08-01, a resolution to enter into an agreement with Mr. John Poole to perform the annual audit. Counsel Notestine noted that he is used by several small cities in Tennessee and is well known throughout Tennessee. Mayor Lothers made a motion to approve this resolution, Alderman Thomas seconded. This resolution passed unanimously.

Other

Alderman Dugger stated that in regards to the Budget Committee, this group will be meeting in the near future, it not next week, there soon after. He will notify the board of these dates.

Alderman Curtsinger asked what the town's concern is in regards to health issues in the Historic area. Mayor Lothers noted that any health issues would be controlled by the County Health Department.

Counsel Notestine noted that the town has written a letter to one individual that raw sewage has been observed on the ground. Alderman Curtsinger asked if it would benefit the town to have the Planning Commission investigate urban development if you want to turn it in to a true district. He said that he did not think there was enough organization. He added that he thought the town's Planning Commission could look at that to obtain some funding.

Mayor Lothers stated that the different option with the rural development funds has been reviewed. She noted that everyone on the west side is not eligible and everyone on the east side is eligible. She noted that the potential involvement could be engineering services or a surety to provide loans. Mayor Lothers noted that this has been loosely discussed and ultimately must be a Board decision. Alderman Curtsinger stated that the town is going to have to look at that. He added that everyone wants to turn their attention to Home Depot and he thinks the town is going to have to get some interest down there. Mayor Lothers stated that she has met with them on several occasions. She noted that she had typed up by-laws and other documents for this group

and Mr. Jay Nelson is the Chair of this Association. She added that she has met with Williamson County Tourism and thinks everyone is on the same page with this endeavor. Mayor Lothers noted Alderman Alexander has expressed interest in the Historic area and Alderman Thomas's service on the Historic Zoning Commission, that the town is in touch with the Economic Development and everyone is keeping our ears open. Alderman Curtsinger stated that something needs to be addressed down there, if it is a public health issue. Counsel Notestine stated that part of the survey work is topographic work to show how sewer would flow. He noted that his understanding was the first step. Mayor Lothers said that it appears the board is in favor of this issue. Alderman Curtsinger thinks the town should look at it as long term.

The meeting adjourned at 8:47 p.m. by acclamation.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Beth Lothers
Mayor